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PTO/SB/64 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

63365-010100

First named inventor: Megan Tobin

Application No.: 10/613,707

Art Unit: 3712

Filed: July 3, 2003

Examiner: Jamila O. Williams

Title: CONFIGURATION TOY AND ITEM OF WEARING APPAREL

Date: 05/08/2007 CKHLOK
AWONDAF1 00000017 501561 10613707
685.00 CRAttention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (703) 872-9306NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (703) 305-9282.The above-identified application became abandoned for failure to file a timely and proper reply to a notice or
action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration
date of the period set for reply in the office notice or action plus an extensions of time actually obtained.**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee☒ Small entity-fee \$ 685.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))**2. Reply and/or fee**A. The reply and/or fee to the above-noted Office action in
the form of _____ Statutory Declaration _____ (identify type of reply):

- ☐ has been filed previously on _____.
- ☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____.

- ☐ has been paid previously on _____.
- ☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the
USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to
complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any
comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer,
U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED
FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ 55.00 for a small entity or \$ 110.00 for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c); subsections (III)(C) and (D)).]

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Eugene C. Rzucidlo
Signature

December 1, 2004
Date

Eugene C. Rzucidlo

Typed or printed name

31,900

Registration Number, if applicable

Greenberg Traurig, LLP, 200 Park Avenue, New York, New York 10166

Address

(212) 801-2146

Telephone Number

Address

Enclosures: ☐ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay

☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (703) 872-9306.

1
Date

Signature

Typed or printed name of person signing certificate



Attorney Docket No. 63365-010100

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Megan Tobin
Serial No. : 10/613,707
Filing Date : July 3, 2003
Group Art Unit: 3712
Examiner : Jamila O. Williams

For: CONFIGURATION TOY AND ITEM OF WEARING APPAREL

Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-145

PETITION TO REVIVE AN ABANDONED PATENT APPLICATION
UNDER CFR 1.137(b)

Sir:

Applicant respectfully requests that the above-referenced patent application be revived for reason that no Office Action mailed March 22, 2004 was received by the undersigned attorney for the applicant.

A Statutory Declaration by Ms. Leticia L. Gerona-Ivey, with Annexes, is enclosed.

The Commissioner is hereby authorized to charge the fee of \$685.00 and any other fee due for this Petition to Deposit Account No. 50-1561.


Favorable action is respectfully requested.

Respectfully submitted,

Eugene C. Rzucidlo
Attorney for Applicant
Reg. No. 31,900
Customer No. 32361

Dated: December 1, 2004

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND				
1 Date of Request: <u>06/04/07</u>		2 Serial/Patent # <u>10/613,707</u>		
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
	Filing			\$
	Amendment			\$
	Extension of Time (2253)			\$
	Notice of Appeal/Appeal			\$
X	Petition (2453)		12/03/04	\$ 685.00
	Issue			\$
	Cert of Correction/Terminal Disc.			\$
	Maintenance			\$
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		7 TOTAL AMOUNT OF REFUND		\$ 685.00
		8 TO BE REFUNDED BY:		
		Treasury Check		
		X	Credit Deposit A/C #:	
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10 REASON:				
	Overpayment			
	Duplicate Payment			
X	No Fee Due (Explanation):			
Pet. Granted				
11 REFUND REQUESTED BY:				
TYPED/PRINTED NAME: <u>Charlema Grant</u>		TITLE: <u>Atty</u>		
SIGNATURE: <u>/Charlema Grant/</u>		PHONE: <u>X-3215</u>		
OFFICE: <u>OP</u>				
***** THIS SPACE RESERVED FOR FINANCE USE ONLY: *****				
APPROVED: <u></u>		DATE: <u>6/8/07</u>		

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